PETITION FOR DISMISSAL

THE LAW DOES NOT ALLOW PERSONNEL OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT TO ASSIST IN THE SELECTION OR PREPARATION OF ANY FORMS OR TO ADVISE YOU AS TO ANY PROCEDURE TO BE FOLLOWED IN OBTAINING A JUDGMENT

Attached are the forms usually necessary for a petition for dismissal.

Form #	Title	Number of Copies
SCR-180-Info	Petition for Dismissal – Information and Instruction Sheet	1
CR-180	Petition for Dismissal	1
SCR-181	Proof of Service – Petition for Relief	1
SCR-182	Financial Declaration – Confidential	1
SCR-182S	Financial Declaration – Confidential Spanish	1
CR-181	Order for Dismissal	1

ALL FORMS MUST BE TYPED OR LEGIBLY PRINTED IN BLACK INK AND SIGNED.

Complete all forms in their entirety, i.e., all boxes checked as applicable; attachments attached, if applicable; and "NONE", "NOT APPLICABLE", or "UNKNOWN" typed in if required.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

Petition for Dismissal

Information and Instruction Sheet

Penal Code § 1203.4 or 1203.4a

<u>Information – Felony/Misdemeanor:</u>

If you were convicted of a misdemeanor or a felony and were not sentenced to state prison and you have completed the terms of your sentence, you may petition for a dismissal pursuant to PC § 1203.4 or 1203.4a. Many criminal offenses can be dismissed from your record. Certain convictions are not eligible for dismissal: Any misdemeanor that is within the provisions of VC 42001(b);or any violation of the following: PC 286(c); PC 288; PC 288a(c); PC 288.5; PC 289(j) (PC § 1203.4(b) and (c)). The court charges a non-refundable processing fee for all petitions filed, whether or not the petition is granted (PC § 1203.4(d) and 1203.4a(c)).

Penal Code § 1203.4 – Successful Completion of Probation

After successful completion or early termination of probation, you may petition the court to dismiss the charges under Penal Code §1203.4. To be eligible for consideration pursuant to PC § 1203.4, you must not be serving a sentence for any offense, be on probation for any offense, or be charged with the commission of any offense. (You may petition the court for an early termination of probation by filing a Petition for Modification of Sentence. The judge, in the interest of justice, may grant an early termination of probation).

Penal Code § 1203.4a - Not Placed on Probation

If you were not placed on probation and more than one year has elapsed since the date of pronouncement of judgment and you did not serve a prison term, you may petition the court to dismiss the charges under Penal Code §1203.4a. To be eligible for consideration pursuant to PC §1203.4a, you must have complied with the court sentence and you must not now be serving a sentence for any offense or be charged with the commission of any offense.

Some of the Continuing Liabilities After the Petition Is Granted

- **Disclosure** Granting of the Petition does **not** relieve you from the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery but allows you to indicate "no" on most employment applications that ask whether you have been convicted of a crime.
- **DMV** Granting of the Petition does **not** affect Department of Motor Vehicles (DMV) actions or future consequences for crimes involving operation of a motor vehicle.
- Firearms Granting of the Petition does not permit you to own, possess, or have in your custody or control any firearm.
- Sex Registration Granting of the Petition does not relieve you from any obligation to register under Penal Code §290.
- Sealing Granting of the Petition does **not** seal your record, destroy or remove any entries from the court, law enforcement, Department of Justice or DMV. The case, including the conviction will remain public record.

Processing Fee*:

The court may charge a non-refundable, administrative processing fee of \$150.00 for petitions filed pursuant to Penal Code § 1203.4(a) (probation completed) and \$60.00 for petitions filed pursuant to Penal Code § 1203.4a (not placed on probation).

*If you do not have the ability to pay the fee, you may file an SCR-182 Financial Declaration with the CR-180 Petition for Dismissal. The Court will process the Petition for Dismissal whether or not a fee is paid. The Court will make a determination of your ability to reimburse all or a portion of the cost. Such order will have the same force and effect as a judgment in a civil action and will be subject to execution.

Upon Granting the Petition, the Court Will Order That:

- The conviction be set aside;
- A plea of not guilty be entered; and
- The case be dismissed pursuant to the applicable Penal Code § (§1203.4 or §1203.4a).

This INFORMATION is for general use and is not intended as a complete statement of the laws and rules relating to relief granted under Penal Code §1203.4 and 1203.4a. For further information, you may refer to Penal Code §1203.4 and §1203.4a or you may wish to seek legal assistance.

INSTRUCTIONS:

- Step 1: Complete the CR-180 Petition for Dismissal and the SCR-181 Proof of Service form. (Incomplete forms will not be processed and will be returned for correction.) You will need the original and two copies: (1) Original Court; (1) Copy District/City Attorney; (1) Copy your file.
- **Step 2: Serve** (hand deliver or mail) a **Completed Copy of the Petition for Dismissal and Proof of Service** form to the District /City Attorney who prosecuted your case.
- Step 3: File with the Clerk's Office the Original Petition for Dismissal and Proof of Service forms. (Refer to Step 2.)
- **Step 4:** Pay a non-refundable processing fee of \$150.00 for a Petition filed pursuant to Penal Code §1203.4 (probation completed) or \$60.00 for a Petition filed pursuant to Penal Code §1203.4a (not placed on probation.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional)	ı.	
E-MAIL ADDRESS (Optional):	•	
ATTORNEY FOR (Name):		
PEOPLE OF THE STATE OF CALIFORNIA		_
V.		
DEFENDANT:		
		CASE NUMBER:
PETITION FOR DISMISS (Pen. Code, §§ 17, 1203.4, 1203		
DEFENDANT'S INFORMATION		
CII:		
DRIVER'S LIC #:		
SSN # (LAST FOUR DIGITS ONLY): DATE OF BIRTH:		
()	the above-entitled criminal action	
of section(s) (specify):	of the (specify):	Code.
2. The offense was a misdemeanor felony.		
Felony offense (Pen. Code, § 17):		
The offense listed above is a felony that may be redu	ced to a misdemeanor under Pen	al Code section 17.
3. Offense with probation granted (Pen. Code, § 1203.4	9:	
Probation was granted on the terms and conditions s	et forth in the docket of the above-	-entitled court; the defendant is not
serving a sentence for any offense, nor on probation		
the defendant (check one):		
a. has fulfilled the conditions of probation for	the entire period thereof;	
b has been discharged from probation prior t	o the termination of the period the	reof; or
c. should be granted relief in the interests of j be in the interests of justice by completing		
4. Offense with sentence other than probation (Pen. Co	de, § 1203.4a):	, , , , , , , , , , , , , , , , , , , ,
Probation was not granted; more than one year has		cement of judgment. The
defendant has complied with the sentence of the cou		
commission of any crime, and since said pronouncen	nent of judgment has lived an hon-	est and upright life and conformed
to and obeyed the laws of the land.		
Petitioner requests that defendant be permitted to withdraw	· · · · · · · · · · · · · · · · · · ·	
and a plea of not guilty be entered and the court dismiss th Penal Code.	is action under section 1203	3.4 or 1203.4a of the
Petitioner requests that the felony charge be reduced	I to a misdemeanor under Penal C	Code section 17.
I declare under penalty of perjury under the laws of the Stat	e of California that the foregoing is	s true and correct.
E to be	L	
Executed on:	(SIGNATURE OF P	ETITIONER OR ATTORNEY)
• •	·	•
(ADDRESS, DEFENDANT)	(CITY)	(STATE) (ZID CODE)

DEFENDANT'S NAME AND MA	Bar No.: ILING ADDRESS	FOR COURT USE ONLY
The last		
Telephone No.:	ADNIA COLINEY OF MONEPHY	
	ORNIA, COUNTY OF MONTEREY	
☐ Salinas Division – 240 Church S☐ King City Division – 250 Franci		
The People of the State of Californ	ia vs.	
	, Defendant	
PROOF OF SERVICE – PETITI PC1203.4a	ION FOR RELIEF PURSUANT PC 1203.4,	CASE NUMBER:
Personal Service		
Service By Mail	stition for Dismissal must be sound upon the	District Attornov on City Attornov who massociated your
Mail or serve a complete copy of		District Attorney or City Attorney who prosecuted your case the Proof of Service to the District Attorney or City Attorney then be filed with the court.
Person serving. I am ove Name:	r the age of 18 and not a party to this a	action.
Address:		
Telephone:		
2. I served a copy of the Pe	tition for Relief under Penal Code §120	03.4/1203.4a as follows (check either a or b below):
a. Personal Service: person at the address		Relief under Penal Code §1203.4/1203.4a to the
(1) Name of person s	erved:	
(2) Address where se	erved:	
(3) Date served:		
(4) Time served:		
	deposited the Petition for Relief under Fe with postage fully prepaid. The envel	Penal Code §1203.4/12034a in the United States mail ope was addressed as follows:
(1) Name of person s	erved:	
(2) Address:		
(3) Date of Mailing:		
(4) Place of Mailing (c	city and state):	
3. I declare under penalty of	f perjury that the foregoing is true and	correct and that this declaration was executed on:
Date	at (County)	, California
		Declarant's Signature

	TTORNEY: Bar N FENDANT'S NAME AND MAILING ADDRESS	0.:	FOR COURT USE ONLY
	hone No.:		
	PERIOR COURT OF CALIFORNIA, COUNTY OF MONTE Salinas Division – 240 Church Street, Salinas, CA 93901 King City Division – 250 Franciscan Way, King City, CA 93930	REY	
The I	People of the State of California vs.		
	, Defendant		
П	FINANCIAL DECLARATION – CONFIDE Petition for Dismissal PC 1203.4 - Probation completed	NTIAL	CASE NUMBER:
	Petition for Dismissal PC 1203.4a – Not placed on probation		PETITION FEE \$
1.	Defendant's Name:	Other	Names:
	Address:		
	Date of Birth: Home Phone:		Driver's License Number:
	Social Security Number: N	Married: (YES	NO) Spouse Name:
2.	Defendant's Present Employer:		
	Employer's Address:		
	Gross pay per month: \$	Spouse	e's Gross pay per month: \$
3.	Family Bank Accounts:	Amou	nt(s): \$
	Available Cash: \$	Spous	e's Cash Assets: \$
4.	Own Real Estate (YES NO) Address:		
	Address:	Value(s): \$
	Autos (Year, Make, Model)		
5.	Dependents:		
	Name Address	Relationship	Age
6.	COMPLETE EACH LINE - This Financial Declaration of fees. The Court will order you to pay all or produce will have the same force and effect as a ju	art of such fees it	determines you are able to pay. Such an
7.	I declare under penalty of perjury that the foregoing above and that this declaration was executed on:	is true and correct	and I understand the notice contained in item 6
	Date at (County)		, California.
			Defendantla Cinnatura
			Defendant's Signature
	FOR COURT USE ONLY: ORDER: Request for waiver of fees:		
		t	tat fan haarin naa
	☐Granted ☐Denied ☐Partial amount of the defendant is ordered to pay fees in the		Set for hearing onby
	The deterior to endered to pay rees in the	(India	cate total or partial amount)
	Date:		Judge of the Superior Court
	SCR-182 (New January 2011)		Judge of the Superior Court

	OGADO: IBRE Y DIRECCION DEL DEMANDADO	Bar No.:		FOR COURT USE ONLY
	ro de teléfono: RTE SUPERIOR DE CALIFORNIA, o División de Salinas – 240 Church Street, Salina División de King City – 250 Franciscan Way, 1	as, CA 93901	TEREY	
El Pu	eblo del Estado de California vs.			
	,1	Demandado		
☐ F	DECLARACION FINAN Petición de Despido PC 1203.4 – Liber			NUMERO DE CASO:
☐ F	Petición de Despido PC 1203.4a – No f	ue puesto en Libertad (Condicional	COSTO DE LA PETICION \$
1.	Nombre del Demandado:			s Nombres:
				Licencia de Conducir:
				NO) Nombre del Cónyugue:
2.	Patrón Actual del Demandado:			
	Dirección del Patrón:			
	Salario Mensual Bruto: \$		Salario Mensi	ual Bruto del Cónyugue: \$
3.	Cuentas Bancarias:		Cantida	nd (es): \$
	Efectivo Disponible: \$		Efectivo dis	ponibledel Cónyugue: \$
4.	Posee Bienes Raíces? (SI _	NO) Dirección:		
	Dirección:		Val	or: \$
	Vehículos (Año, Marca, Modelo)			
5.	Dependientes:			
	Nombre	Dirección	Parentesco	Edad
6.	costo parcial o total. La Cort	te determinará si u	sted es capaz de	ada para determinar su habilidad para pagar el e pagar los gastos y le ordenará pagar una y efecto que un fallo civil y quedará sujeto a su
7.	•		verdadero y corre	cto y que entiendo el aviso contenido en el número
	Fecha	en (Conda	ado)	, California.
				Firma del Demandado
	PARA USO DE LA CORTE SOLA			
	ORDEN: Solicitud para suspen			
	☐Concedida ☐Negada	☐Cantidad Parcia	ıl Ordenada	Audiencia programada:
			a cantidad de \$ _	antes de
	Fecha:	_	(In	dicate total or partial amount)
	SCR-182S (New January 2011)			Juez de la Corte Superior

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State	Bar number, and address):	FOR COURT USE ONLY
TELEPLONE NO	TAY NO. (0. (1. 1)	
TELEPHONE NO.: E-MAIL ADDRESS (Optional):	FAX NO. (Optional):	
ATTORNEY FOR (Name):		
PEOPLE OF THE STATE OF CALIFORNIA		
v.		
DEFENDANT:		
	R FOR DISMISSAL , §§ 17, 1203.4, 1203.4a)	CASE NUMBER:
DEFEN	DANT'S INFORMATION	
CII:		
DRIVER'S LIC #: SSN # (LAST FOUR DIGITS ONLY):		
DATE OF BIRTH:		
The court denies the petition.		
<u> </u>		
2 The court grants the petition. T defendant is eligible for the reli		is case, and from the foregoing petition, that the
3. a The court reduces the felo	ny offense to a misdemeanor.	
b. The court denies the reque	est to reduce the felony offense to a misder	meanor.
	lict, or finding of guilt in the above-entitled a complaint be, and is hereby, dismissed.	action be set aside and vacated and a plea of not
5. If this order is granted under the provi	sions of Penal Code section 1203.4:	
application for public office or for li	censure by any state or local agency or for	y direct question contained in any questionnaire o contracting with the California State Lottery. public office as a result of that conviction to hold
public office.		
 c. The defendant may also be eligible Code section 4852.01 et seq. 	to obtain a certificate of rehabilitation and	pardon under the procedure set forth in Penal
all penalties and disabilities resulting	from the offense except as provided in Per missal does not permit a person to own, po	or 1203.4a, the defendant is released from nal Code sections 12021 and 12021.1 and ossess, or have in his or her control a firearm
release defendant from the separate and Forensic Identification Database		samples, or print impressions under the DNA eq.) if defendant was found guilty by a trier of
		FOR COURT HEE OWY
		FOR COURT USE ONLY
Date:		
	(JUDICIAL OFFICER)	
	,	